

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs-Counterclaim Defendants,

-v.-

JOSHUA MAST, *et al.*,

Defendants-Counterclaim Plaintiffs,

CIVIL NO: 3:22-cv-00049-RSB-JCH

RICHARD MAST’S RESPONSE TO DOES’ MOTION TO DISMISS COUNTERCLAIMS

The undersigned and counsel for the Does had substantive discussions during their considered efforts to meet-and-confer on the specific issues raised by the Does’ motion to dismiss Richard Mast’s counterclaims (Dkt. Nos. 486-87) of defamation and abuse of process. Ultimately, Richard Mast and the Does, through counsel, have agreed that the abuse of process counterclaim has not yet accrued and that Richard Mast’s defamation counterclaim has not been tolled by the filing of the Does’ complaint, and thus the defamation counterclaim is time-barred.

Thus, Defendant Richard Mast intends to file a stipulated Rule 41(a)(1)(A)(ii) dismissal and will do so as soon as he has obtained formal approvals from all parties (which, per the Rule, must include “all parties who have appeared”).

Richard Mast’s analysis and conclusion of the tolling issue does not bear in any way on the defamation counterclaims of either Joshua and Stephanie Mast or Kimberly Motley, since the issue of republication, which also bears on the statute of limitations issue, is different for each of the

counterclaim plaintiffs.

Dated: October 31, 2024

Respectfully submitted,

/s/David Yerushalmi

David Yerushalmi, Esq.*

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(*Admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically: none.

/s/David Yerushalmi
David Yerushalmi, Esq.